

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 201907624	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/06/2019 11:50 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 2/6/2021	EO SOL 9/23/2021	
Date/Time CV Reported Tue, 08/27/2019 10:04 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 08/27/2019 10:04 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nick Ou	11236	964692	120 PCT
2. POM Joseph Russo	20327	965489	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Russo	Abuse: Police Officer Joseph Russo refused to provide his name to § 87(2)(b)	§ 87(2)(b)
B.POM Joseph Russo	Abuse: Police Officer Joseph Russo refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
C.POM Nick Ou	Abuse: Police Officer Nick Ou refused to provide his name to § 87(2)(b)	§ 87(2)(b)
D.POM Nick Ou	Abuse: Police Officer Nick Ou refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 27, 2019, § 87(2)(b) called the CCRB and filed this complaint via the call processing system.

On August 6, 2019, at approximately 11:50 p.m., § 87(2)(b) spoke to PO Joseph Russo and PO Nick Ou, both of the 120th Precinct, outside of § 87(2)(b) in Staten Island. § 87(2)(b) had called police to investigate her damaged Ring video doorbell, a video surveillance device attached to her front door. During her conversation with PO Russo and PO Ou, § 87(2)(b) asked for the officers' names and shields. PO Russo and PO Ou did not provide their names and shield numbers as allegedly requested (**Allegations A through D – Abuse of Authority**, § 87(2)(g)).

The investigation did not obtain body-worn camera footage (BWC) associated with this incident.

§ 87(2)(b) was not issued a summons, and she was not arrested as a result of this interaction.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Joseph Russo refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Joseph Russo refused to provide his shield number to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Nick Ou refused to provide his name to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Nick Ou refused to provide his shield number to § 87(2)(b)

It is undisputed that § 87(2)(b) spoke to PO Russo and PO Ou outside of § 87(2)(b) in Staten Island.

§ 87(2)(b) stated that upon arriving home at approximately 10:50 p.m., she discovered that her Ring video doorbell had been damaged. § 87(2)(b) called police, who arrived at § 87(2)(b) at approximately 11:50 p.m. § 87(2)(b) did not indicate that there were other civilians present during her interaction with the officers. § 87(2)(b) told the officers that her Ring video doorbell had been damaged by her neighbors. During her conversation with the officers, the officers told § 87(2)(b) that her neighbors were allowed in the common area of her house. § 87(2)(b) asked for the officers' names and shield numbers twice. During her second request for the officers' name and shield numbers, the officers told § 87(2)(b) that a criminal mischief report would be ready for her in three days. § 87(2)(b) did not receive the officers' identification information at the end of her interaction with the officers [Board Review 01].

PO Russo and PO Ou testified that they responded to § 87(2)(b) regarding § 87(2)(b) complaint about individuals who damaged her Ring video doorbell. § 87(2)(b) told the officers that her neighbor's children had removed the Ring video doorbell from the door frame and put it into the trash can. PO Russo and PO Ou did not recall seeing any visible damage on the device other than its apparent removal from the door. During their conversation with § 87(2)(b) PO Russo and PO Ou did not recall § 87(2)(b) asking them for their names and shield numbers [Board Review 02, 03].

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party. § 87(2)(g) [Board Review 05].
 - § 87(2)(b)
- PO Russo has been a member of service for two years. Two complaints, and three allegations, have been filed against him, none of which have been substantiated.
- PO Ou has been a member of service for two years. Two complaints, and two allegations, have been filed against him, none of which have been substantiated.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation.
- On February 11, 2020, a request for a Notice of Claim was filed with the New York City Office of the Comptroller [Board Review 06]. The results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date